

REMARKS/ARGUMENTS

By the present amendment, applicants have cancelled Claims 1-4, 12, 14, and 19-21. Therefore, the claims remaining for consideration by the Examiner are Claims 13, and 15-18.

The Examiner has rejected Claims 1-4, 12, 14, and 19-21 under 35 U.S.C. § 102 (b) as being anticipated by Lin et al.

In response, applicants have cancelled Claims 1-4, 12, 14, and 19-21.

The Examiner has rejected Claims 1-4, 12, 14, and 19-21 under 35 U.S.C. § 103 (a) as being unpatentable by Lin et al.

In response, applicants have cancelled Claims 1-4, 12, 14, and 19-21.

The Examiner has rejected Claims 1-4, 12, 14, and 19-21 under 35 U.S.C. § 103 (a) as being unpatentable over JP 59-184186.

In response, applicants have cancelled Claims 1-4, 12, 14, and 19-21.

The Examiner states that Claims 13, 15-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

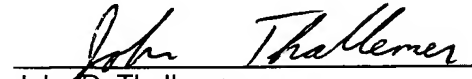
In response, applicants have rewritten Claims 13, and 15-18 in independent form including all of the limitations of the base claim and any intervening claims, except that applicants have removed the 90% purity limitation from the claims. Amended Claim 13 describes a phosphate salt having an X-ray powder diffraction pattern according to Figure 1. Amended Claim 15 describes a tosylate salt having an X-ray powder diffraction pattern according to Figure 3. Amended Claim 16 describes a hydrogensulfate salt having an X-ray powder diffraction pattern according to Figure 4. Amended Claim 17 describes a mesylate salt having an X-ray powder diffraction pattern according to Figure 5. Amended Claim 18 describes a sulfate salt having an X-ray powder diffraction pattern according to Figure 6.

It is noted that Claims 13, and 15-18 relate to different salt forms of 7-[2-(2-aminothiazol-4-yl)-2-(methylcarbonyloxyimino)acetamido-3-vinyl-cephem-4-carboxylic acid which are not taught nor suggested by either of the references cited by the Examiner, Lin et al. and JP 59-184186. Lin et al. teaches a synthesis for preparing the hydrochloric acid salt of 7-[2-(2-aminothiazol-4-yl)-2-(methylcarbonyloxyimino)acetamido-3-vinyl-cephem-4-carboxylic acid. JP 59-184186 teaches pivaloyloxy esters. It is clear to one skilled in the art that such pivaloyloxy esters are completely different than the methyl esters claimed by applicants. Thus, neither Lin et al. nor JP 59-184186 teach or suggest applicants' salts. Moreover, neither Lin et al. nor JP 59-184186 teach or suggest applicants' X-ray powder diffraction patterns for the respective salts, as claimed.

In view of the foregoing amendments and remarks, reconsideration and allowance of amended Claims 13 and 15-18 is respectfully requested.

Respectfully submitted,

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